



PATENT

Case Docket No. ACINC.023A

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : David Diller  
App. No. : 09/832,786  
Filed : April 11, 2001  
For : PRIORITIZATION OF  
COMBINATORIAL LIBRARY  
SCREENING  
Group Art Unit : 1631

) I hereby certify that this correspondence and all  
) marked attachments are being deposited with the  
) United States Postal Service as first class mail in  
) an envelope addressed to: United States Patent  
) and Trademark Office, P.O. Box 1450, Alexandria,  
) VA 22313, on

5/10/05

(Date)

Thomas R. Arno, Reg. No. 40,490

## TRANSMITTAL LETTER

## UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450

Alexandria, VA 22313

Sir:

Transmitted herewith in the above-identified application:

- (X) Establishment of Right of Assignee to Take Action and Revocation and Power of Attorney and copy of Assignment.
- (X) Return prepaid postcard.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.

Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

A circular black ink stamp from the Intellectual Property Office (IPO). The text "IPO" is at the top, "JCR1" is at the top right, "MAY 12 2005" is in the center, and "PATENT &amp; TRADEMARK OFFICE" is at the bottom.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	David J. Diller
App. No.	:	09/832,786
Filed	:	April 11, 2001
For	:	PRIORITIZATION OF COMBINATORIAL LIBRARY SCREENING
Examiner	:	C. D. Ly

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

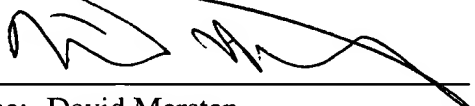
**App. No.** : 09/832,786  
**Filed** : April 11, 2001

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Dated: 4/27/05

Accelerys Software Inc.

By:   
Name: David Mersten

Title: General Counsel

Address: 10188 Telesis Court, Suite 100  
San Diego, CA 92121

1675019  
042005

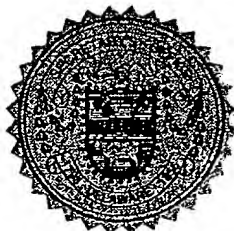
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "ACCELRY'S SOFTWARE SOLUTIONS INC.", CHANGING ITS NAME FROM "ACCELRY'S SOFTWARE SOLUTIONS INC." TO "ACCELRY'S SOFTWARE INC.", FILED IN THIS OFFICE ON THE TWENTIETH DAY OF MAY, A.D. 2004, AT 7:09 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2064765 8100

040374582

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3125079

DATE: 05-21-04

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 08:42 PM 05/20/2004  
FILED 07:09 PM 05/20/2004  
SRV 040374582 - 2064765 FILE

**CERTIFICATE OF AMENDMENT  
OF THE  
CERTIFICATE OF INCORPORATION  
OF  
ACCELRY'S SOFTWARE SOLUTIONS INC.**

ACCELRY'S SOFTWARE SOLUTIONS INC., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify:

FIRST: That by written consent of the sole director dated May 20, 2004, a resolution was duly adopted setting forth a proposed amendment to the Amended and Restated Certificate of Incorporation, as amended, of the Corporation, declaring the adoption of said amendment to be advisable and calling for consideration of said proposed amendment by the sole stockholder of the Corporation. The resolution setting forth the amendment is as follows:

RESOLVED, that it is hereby proposed that Article 1 of the Amended and Restated Certificate of Incorporation, as amended, of the Corporation be amended so that the same as amended would read as follows:

"1. Name. The name of the Corporation is Accelrys Software Inc."

SECOND: That thereafter, pursuant to the resolution of the sole director, the proposed amendment was approved by the sole stockholder of the Corporation by written consent dated May 20, 2004.

THIRD: That said amendment was duly adopted in accordance with the provisions of Section 242 and 228 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be executed by Mark J. Emkjer, its President and Chief Executive Officer this 20<sup>th</sup> day of May, 2004.

ACCELRY5 SOFTWARE SOLUTIONS INC.

By: Mark J. Emkjer  
Name: Mark J. Emkjer  
Title: President and Chief Executive Officer

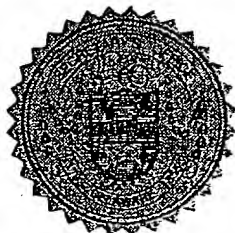
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "ACCELRY'S INC.", CHANGING ITS NAME FROM "ACCELRY'S INC." TO "ACCELRY'S SOFTWARE SOLUTIONS INC.", FILED IN THIS OFFICE ON THE TWELFTH DAY OF MAY, A.D. 2004, AT 12:37 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2064765 8100

040346199

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3106339

DATE: 05-12-04

State of Delaware  
Secretary of State  
Division of Corporations  
Received 12:45 PM 05/12/2004  
FILED 12:37 PM 05/12/2004  
7 040346199 - 2064765 FILE

**CERTIFICATE OF AMENDMENT  
OF THE  
CERTIFICATE OF INCORPORATION  
OF  
ACCELRY'S INC.**

ACCELRY'S INC., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), does hereby certify:

FIRST: That by written consent of the sole director dated May 11, 2004, a resolution was duly adopted setting forth a proposed amendment to the Amended and Restated Certificate of Incorporation, as amended, of the Corporation, declaring the adoption of said amendment to be advisable and calling for consideration of said proposed amendment by the sole stockholder of the Corporation. The resolution setting forth the amendment is as follows:

RESOLVED, that it is hereby proposed that Article 1 of the Amended and Restated Certificate of Incorporation, as amended, of the Corporation be amended so that the same as amended would read as follows:

"1. Name. The name of the Corporation is Accelrys Software Solutions Inc."

SECOND: That thereafter, pursuant to the resolution of the sole director, the proposed amendment was approved by the sole stockholder of the Corporation by written consent dated May 11, 2004.

THIRD: That said amendment was duly adopted in accordance with the provisions of Section 242 and 228 of the General Corporation Law of the State of Delaware.



IN WITNESS WHEREOF, the Corporation has caused this Certificate to be executed by Mark J. Emkjer, its President and Chief Executive Officer this 11<sup>th</sup> day of May, 2004.

ACCELRYX INC.

By: Mark J. Emkjer

Name: Mark J. Emkjer

Title: President and Chief Executive Officer

## UNITED STATES ASSIGNMENT OF PATENTS

WHEREAS, PHARMACOPEIA, INC. ("Assignor"), a Delaware corporation, having its main office and place of business at CN 5350, Princeton, New Jersey 08543, U.S.A. is the owner of the United States Patents and United States Patent Applications listed in the attached Schedule A;

AND WHEREAS, ACCELRYIS INC. ("Assignee"), a Delaware corporation, having its main office and place of business at 9685 Scranton Road, San Diego, California 92121, U.S.A. is desirous of acquiring said right, title and interest;

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby assign and transfer to Assignee and its successors and assigns, its entire right, title and interest in and to the above-identified patents and patent applications, including all reissues, divisions, continuations, continuations-in-part, and extensions and foreign counterparts thereof, to be held and enjoyed by Assignee as fully and entirely as it would have been held and enjoyed by Assignor if this assignment had not been made, including all claims, demands and rights of recovery that Assignor has or may have in profits and damages for past and future infringements, if any, and all rights to compromise, sue for, and collect such profits and damages.

PHARMACOPEIA, INC.

Name: JOHN J. HANLON  
Title: VP, CFO

Dated: April 30, 2004

STATE OF CALIFORNIA

:

: ss.

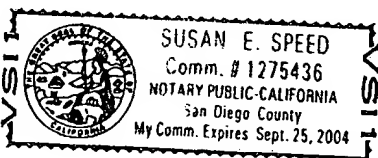
COUNTY OF SAN DIEGO

:

On this 29<sup>th</sup> day of JUNE, 2004 before me appeared JOHN J. HANLON, the individual who signed this instrument and acknowledged that s/he signed it as a free act on behalf of PHARMACOPEIA, INC.

Susan E. Speed  
Notary Public

(Seal)



## ASSIGNMENT

*WHEREAS*, We,

**DAVID J. DILLER**, a citizen of the United States of America, residing at  
176 Hickory Corner Road, East Windsor, NJ 08520; and

**KENNETH M. MERZ, JR.**, a citizen of the United States of America, residing at  
693 Berkshire Drive, State College, PA 16803,

respectively, have invented certain new and useful improvements in

### **PRIORITIZATION OF COMBINATORIAL LIBRARY SCREENING**

for which we have executed an application for Letters Patent of the United States, of even date herewith ; and

*WHEREAS*, **Pharmacopeia, Inc.** having offices at 3000 Eastpark Boulevard, Cranbury, New Jersey 08512, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application;

*NOW, THEREFORE*, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, We the said **David J. Diller**, and **Kenneth M. Merz, Jr.**, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **Pharmacopeia, Inc.**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and We hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said **Pharmacopeia, Inc.**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

*AND WE HEREBY* covenant that We have full right to convey the entire interest herein assigned, and that We have not executed, and will not execute, any agreement in conflict herewith.

*AND WE HEREBY* further covenant and agree that We will communicate to the said **Pharmacopeia, Inc.**, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute

all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said **Pharmacopeia, Inc.**, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this  
9 day of April, 2001.

David J. Diller  
David J. Diller

STATE OF New Jersey )  
 ) ss.:  
COUNTY OF Middlesex )

On this 9<sup>th</sup> day of April, 2001, before me personally came David J. Diller, known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Janet B. Rubinstein  
Notary **JANET B. RUBINSTEIN**  
Notary Public of New Jersey  
Commission Expires Oct. 16, 2005

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this  
9 day of April, 2001.

Kenneth M. Merz, Jr.  
Kenneth M. Merz, Jr.

STATE OF New Jersey )  
 ) ss.:  
COUNTY OF Middlesex )

On this 9<sup>th</sup> day of April, 2001, before me personally came Kenneth M. Merz, Jr., to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Janet B. Rubinstein  
Notary Public

**JANET B. RUBINSTEIN**  
Notary Public of New Jersey  
Commission Expires Oct. 16, 2005